

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: October 5, 2007

Signature: Scott E. Charney

(Scott E. Charney)

Docket No.: BAYER 3.0-002 CONT
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Blatt et al.

Application No.: 10/816,230

Group Art Unit: 1641

Filed: March 31, 2004

Examiner: C. L. Chin

For: DRY REAGENT STRIP CONFIGURATION,
COMPOSITION AND METHOD FOR
MULTIPLE ANALYTE DETERMINATION

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed August 10, 2007, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claims 2-25, drawn to a dry reagent lateral flow strip assay device, classified in class 435, subclass 287.1.

II. Claim 26, drawn to a dry reagent lateral flow strip assay device, classified in class 435, subclass 287.2.

III. Claims 27-34, drawn to a diagnostic device, classified in class 422, subclass 58.

IV. Claims 35-37, drawn to a method for detecting two or more analytes, classified in class 436, subclass 514.

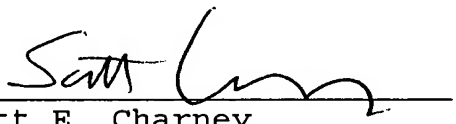
V. Claims 38, drawn to a system for detecting two or more analytes, classified in class 422, subclass 56.

In response, Applicants hereby elect the invention of Group I, corresponding to claims 2-25. Applicants reserve the right to file a divisional application corresponding to the non-elected claims.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 5, 2007

Respectfully submitted,

By 
Scott E. Charney
Registration No.: 51,548
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090

(908) 654-5000
Attorney for Applicants